



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.idem.IN.gov

December 7, 2007

Mary Gade
Regional Administrator
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Indiana Infrastructure (Section 110(a)(1) and (2))
State Implementation Plan Submittal

Dear Ms. Gade:

I am writing to confirm that the State of Indiana continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program, and effectively enforce all applicable requirements. Specifically, the Indiana Department of Environmental Management (IDEM) can implement and satisfactorily complete the Section 110 requirements listed below. We satisfy these requirements for the current and any prospective future air quality standards, including any current and future air quality standards for ozone and for various sizes of particulate matter.

The SIP elements listed below are required under section 110(a)(1) and (2). Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists the basic or "infrastructure" elements that all SIPs must contain. Following each element is IDEM's discussion as to the department's ability to fulfill the requirement.

Section 110 (a)(2) elements

Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters. EPA notes that the specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirement of section 172, not the timing requirement of section 110(a)(1), and also that SIPs to meet this section are not covered by the Consent Decree.

IDEM continues to update and implement needed revisions to Indiana's SIP as necessary to meet ambient air quality standards. Authority to adopt emissions

standards and compliance schedules is found at Indiana Code (IC) 13-14-8, IC 13-17-3-4, IC 13-17-3-11, IC 13-17-3-14.

Ambient air quality monitoring/data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to EPA upon request.

In accordance with its SIP, IDEM operates an air monitoring network. The data are used to determine compliance with the U.S EPA's NAAQS. Indiana's 2008 Ambient Air Monitoring Annual Network Plan documents the framework for establishment and maintenance of Indiana's air quality surveillance system and lists any changes that are proposed to take place to the current network during the 2008 season.

Program for enforcement of control measures: Section 110(a)(2)(C) requires States to include a program providing for enforcement of all SIP measures and the regulation of construction of new and modified stationary sources to meet prevention of significant deterioration (PSD) and nonattainment NSR requirements.

IDEM maintains an enforcement program to ensure compliance with SIP requirements. Indiana Code 13-14-1-12 provides the commissioner with the authority to enforce rules "consistent with the purposes of the air pollution control laws" The commissioner also has the authority, under IC 13-14-2-7 and IC 13-17-3-3, to assess civil penalties and obtain compliance with any applicable rule a board has adopted in order to enforce air pollution control laws. Additionally, IC 13-14-10-2 allows for an emergency restraining order that will prevent "any person causing or contributing to the alleged pollution to stop the...introduction of contaminants causing or contributing to the pollution."

Interstate transport: Section 110(a)(2)(D) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one State from contributing significantly to nonattainment, or interfering with maintenance, or the NAAQS in another State, or from interfering with measures required to prevent significant deterioration of air quality or to protect visibility in another State. EPA has already issued CAIR to assist States in developing SIPs to meet this requirement for purposes of the 8-hour Ozone and PM_{2.5} NAAQS, and has issued separate guidance to all States on how to comply with each prong of this statutory provision.

IDEM has adopted and implemented the various major programs related to the interstate transport of pollution. Indiana Administrative Code (IAC) 326 IAC 1-7 (Stack Height Provisions), 326 IAC 21-1 (Acid Deposition Control), 326 IAC 10-4 (Nitrogen Oxides Budget Trading Program), 326 IAC 24-1, 326 IAC 24-2, 326 IAC 24-3 (Clean Air Interstate Rule), and 326 IAC 24-4 (Clean Air Mercury Rule, final adopted on October 3, 2007, expected to be effective by the end of January 2008) all address Congressional and U.S. EPA concerns over the transport of emissions of regulated pollutants beyond our state borders.

Adequate resources: Section 110(a)(2)(E) requires States to provide for adequate personnel, funding, and legal authority under State law to carry out its SIP, and related issues.

IDEM's biennial budget and the Performance Partnership Grant (PPG) agreement document funding and personnel plans for the agency.

Stationary source monitoring system: Section 110(a)(2)(F) requires States to establish a system to monitor emissions from stationary sources and to submit periodic emissions reports.

Indiana's rules for monitoring requirements contained in 326 IAC 3 include rules that specify the continuous monitoring of emissions, minimum performance and operating specifications, quality assurance requirements, record keeping requirements, source sampling procedure, and fuel sampling and analysis procedures. Additional emission reporting requirements are found in 326 IAC 2-6. Currently, the rules at 326 IAC 3 are being updated by the state rulewriters and once the rulemaking process is complete, the revised rules will be submitted to the U.S. EPA for SIP approval.

Emergency power: Section 110(a)(2)(G) requires States to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

326 IAC 1-5, (Episode Alert Levels) establishes air pollution episode levels based on concentrations of criteria pollutants. The rule requires that emergency reduction plans (ERP) be submitted to the commissioner by applicable major air pollution sources. The ERP's shall state those actions that will be taken when each episode levels is declared, to reduce or eliminate emissions of the appropriate air pollutants.

Indiana will revise the particulate matter SIP when the U.S. EPA promulgates revisions to 40 CFR Part 51, Subpart H-Prevention of Air Pollution Emergency Episodes which address priority classifications and significant harm level for PM_{2.5}.

Future SIP revisions: Section 110(a)(2)(H) requires States to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate.

IDEM continues to update and implement needed revisions to Indiana's SIP as necessary to meet ambient air quality standards. Authority to adopt emissions standards and compliance schedules is found at Indiana Code (IC) 13-14-8, IC 13-17-3-4, IC 13-17-3-11, IC 13-17-3-14.

Consultation with government officials: Section 110(a)(2)(J) requires States to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to section 121 relating to consultation.

IDEM actively participates in the regional planning efforts that include state rule developers, representatives from the Federal Land Managers and other affected stakeholders.

Public notification: Section 110(a)(2)(J) further requires States to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances.

IDEM monitors air quality daily and when necessary reports the daily air quality index to the interested public and media. IDEM participates and submits information to U.S. EPA's AIRNOW program. Additionally, IDEM maintains SmogWatch which is an informational tool created by IDEM to share air quality forecasts for each day. SmogWatch provides daily information about ground-level ozone, particulate matter concentration levels, health information, and monitoring data for seven regions in Indiana.

PSD and visibility protection: Section 110(a)(2)(J) also requires States to meet applicable requirements of Part C related to prevention of significant deterioration and visibility protection.

Indiana's SIP approved prevention of significant deterioration (PSD) rules are found in 326 IAC 2-2. Early next year, 2008, IDEM will be submitting the regional haze/ BART SIP to the U.S. EPA which addresses Indiana's contribution to visibility issues in Class 1 areas.

Air quality modeling data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling for predicting effects on air quality of emissions from any NAAQS pollutant and submission of such data to EPA upon request.

IDEM reviews the potential impact of major and some minor new sources. Indiana's rules regarding air quality modeling are contained in 326 IAC 2-2-4, 326 IAC 2-2-5, 326 IAC 2-2-6, and 326 IAC 2-2-7. Modeling data are available upon request by the U.S. EPA or other interested parties.

Permitting fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing, and enforcing a permit.

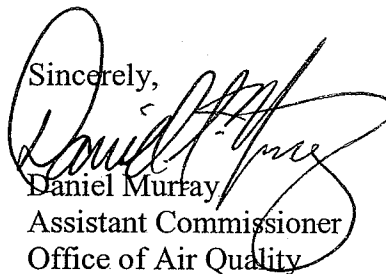
IDEM continues to implement the approved Title V program, including requiring major sources to pay permit fees. The authority to establish Title V permit fees are found at Indiana Code (IC) 13-17-8. The fees for Title V are found at 326 IAC 2-7-19. Additional fees that may apply to Title V sources are found at 326 IAC 2-1.1-7. Fees for FESOPs are found at 326 IAC 2-8-16 and 326 IAC 2-8-18. IDEM is currently reorganizing their rule structure so these citations are expected to change once the work is completed.

Consultation/participation by affected local entities: Section 110(a)(2)(M) requires States to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

IDEM rulemaking procedures contained in Indiana Code 13-14-9 allow for public participation in SIP development process. IDEM also ensures that the requirements of 40 CFR 51.102 are satisfied during the SIP development process.

I believe that the IDEM meets or exceeds all of the necessary infrastructure needs, enabling us to continue to satisfy these requirements of the Clean Air Act. If you have any questions, please feel free to contact Mr. Scott Deloney, Chief, Air Programs Branch at (317) 233-5684.

Sincerely,



Daniel Murray
Assistant Commissioner
Office of Air Quality

TWE/as

cc: Scott Deloney
John Mooney
Steve Rosenthal
Rules SIP file
Commissioner SIP file